

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BEATRICE HUDSON,)	
)	8:05cv270
Plaintiff,)	
)	MEMORANDUM AND ORDER
vs.)	
)	
CITY OF OMAHA,)	
)	
Defendant.)	

This matter is before the court on filing no. 7, the Amended Motion to Proceed In Forma Pauperis ("IFP") filed by the plaintiff, Beatrice Hudson. This is one of seventeen cases filed by the plaintiff in approximately one year, most of which have involved accusations by the plaintiff of racism, racial profiling, conspiracy, discrimination and retaliation by the City of Omaha, the Omaha Police Department, the Omaha public library, the Douglas County courts in Omaha, and many others. The plaintiff is particularly inclined to engage in altercations with the Omaha Police Department, followed by litigation. The plaintiff has prevailed on none of her cases, and many have been dismissed as frivolous.

Each of the plaintiff's seventeen cases has included a request to proceed IFP. Each of the plaintiff's claims in the above-entitled case has been asserted in one or more previous cases within the last year. The plaintiff is abusing the IFP privilege by engaging in recreational litigation. In addition, the plaintiff's factual allegations do not state a federal civil rights claim on which relief may be granted.

By moving for leave to proceed IFP, the plaintiff subjects her complaint to review under the standards set forth in 28 U.S.C. § 1915(e)(2), which states:

(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that--

(A) the allegation of poverty is untrue; or

(B) the action or appeal--

(i) is frivolous or malicious;

(ii) fails to state a claim on which relief may be granted; or

(iii) seeks monetary relief against a defendant who is immune from such relief.

The plaintiff's motion for leave to proceed IFP is denied because the plaintiff's allegations do not state a claim on which relief may be granted and because the action is frivolous and malicious. See 28 U.S.C. § 1915(e)(2)(B)(i) and (ii). Therefore, by October 28, 2005, the plaintiff shall pay the \$250 filing fee, in the absence of which this case may be subject to dismissal by Chief Judge Joseph F. Bataillon.

THEREFORE, IT IS ORDERED:

1. That filing no. 7, the plaintiff's Amended Motion to Proceed In Forma Pauperis, is denied;
2. That the plaintiff shall pay the court's \$250 filing fee by October 28, 2005, and
3. That in the absence of the filing fee by October 28, 2005¹, this case may be subject, without further notice, to dismissal without prejudice for failure to prosecute this case with diligence.

DATED this 4th day of October, 2005.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge

¹Even if the plaintiff pays the court's \$250 filing fee, the case could be dismissed on other grounds.